

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Donald I. Palmer,
Petitioner,

-V-

**Case No. C-1-00-882
Judge Rose
Magistrate-Judge Merz**

Margaret Bagley, Warden,
Respondent.

**PETITIONER'S REVISED MOTION FOR EXTENSION OF TIME
TO FILE OBJECTIONS TO MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Comes the Petitioner, by counsel, and moves the Court for an extension of time to March 1, 2006, within which to file his objections to the Report and Recommendations filed by the Magistrate Judge on December 16, 2005 (Doc. 103) for the reasons set forth below.

s/Keith A. Yeazel

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Trial Attorney for Petitioner

MEMORANDUM IN SUPPORT

Petitioner's counsel spoke with Assistant Attorney General Anna Franceschelli on February 27, 2006 and he has no objection to extending the time in which to file objections for two (2) days.

The Objections to the Report and Recommendation were originally due on January

4, 2006. The Court kindly granted an extension to February 6, 2006. Counsel for Petitioner has been diligently working on the objections to the report recommendation. The specific reasons for this extension are two-fold. First, Petitioner's counsel has had to deal with the press of other business which has delayed completion. Specifically, Attorney Yeazel had to deal with numerous inquiries from clients on February 27, 2006 dealing with the status of their respective cases following the Ohio Supreme Court's decision to find six portions of Ohio's sentencing statutes unconstitutional in light of Blakely. Attorney O'Hara's case action law suit activities has consumed much of his time. Second, counsel had to spend almost 2 hours trying to download Attorney O'Hara's second revision of his portion of the brief. The problem has finally been solved and those portions are being integrated into the work performed by Attorney Yeazel.

Accordingly, Petitioner respectfully requests an extension to March 1, 2006, inclusive, within which to prepare his objections to the Magistrate's Report and Recommendations.

Respectfully submitted,

/s/ Keith A. Yeazel

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TRIAL COUNSEL FOR PETITIONER DONALD L. PALMER

CERTIFICATION

I hereby certify that I have, this 28th day of February, 2006, served electronically through the Court's ECF System a copy of the foregoing pleading to the following attorneys of record:

Heather Gosselin
Matthew Hellman
ASSISTANT ATTORNEY GENERAL
Capital Crimes Section– 23rd Floor
30 East Broad Street
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/s/ Keith A. Yeazel

KEITH A. YEAZEL